

KAPLAN HECKER & FINK LLP

350 FIFTH AVENUE | 63RD FLOOR
NEW YORK, NEW YORK 10118

1050 K STREET NW | SUITE 1040
WASHINGTON, DC 20001

TEL (212) 763-0883 | FAX (212) 564-0883

WWW.KAPLANHECKER.COM

June 20, 2023

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: *Doe v. New York University*, No. 23 Civ. 1307 (KPF)

Dear Judge Failla:

We write on behalf of Defendants New York University (“NYU”), Ezra Sacks, and Craig Jolley to request permission to file one partially redacted exhibit and one fully sealed exhibit as part of Defendants’ Motion to Dismiss the First Amended Complaint. *See* Individual Rules of Practice in Civil Cases 9(B) & 9(C)(i). Plaintiff consents to this request.

Exhibit A to the Declaration of Gabrielle E. Tenzer contains the letter that Defendant Jolley and another NYU employee provided to Plaintiff dated July 27, 2022. Because the Court has “prohibit[ed] Defendants from publicly identifying Plaintiff, in court filings or otherwise,” ECF 11, Defendants seek to redact Plaintiff’s name from the publicly filed version of that letter.

Exhibit B to the Declaration of Gabrielle E. Tenzer contains Plaintiff’s official NYU transcript. Because Exhibit B includes Plaintiff’s name, his birthdate, his student ID, the classes he took, and the grades he received, even a partially redacted version would risk “publicly identifying Plaintiff,” ECF 11, at least to some members of the public. Filing the transcript under seal is thus “narrowly tailored to serve th[e] interest” of compliance with the pseudonymity order. *United States v. Erie Cnty., N.Y.*, 763 F.3d 235, 239 (2d Cir. 2014) (quoting *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006)).

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record (via ECF)

Application GRANTED. The Clerk of Court is directed to terminate the pending motion at docket number 35.

Dated: June 21, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE